

Remarks

This paper is being submitted in response to the Office Action mailed on August 19, 2003. Applicants note that in the Office Action Summary attached to the Office Action both item 2a) "This is Action is final" and item 2b) "This action is non-final" were marked with an "x". However, the body of the Action did not recite the standard paragraph indicating that the Action was final. Additionally, in checking the USPTO's PAIR system for this application, the data (photocopy attached) for the Office Action mailed on August 19, 2003, indicated that the Action was a "non-final" Action. Accordingly, applicants have treated the Action as non-final.

Applicants note also that an Information Disclosure Statement is being filed concurrently herewith.

The Examiner has rejected applicants' claims 33, 47-53, 55-63 and 65-75 under 35 U.S.C. §103(a) as being unpatentable over the Baker, et al. (US 5,428,730) patent in view of the Kraslavsky, et al. (US 5,537,626) patent. This rejection is respectfully traversed.

Applicants' independent claim 33 recites a control device for controlling a network device connected to a network. The control device includes a communication interface which is adapted to receive a description file from the network device via the network, the description file including description information for a control panel of the network device. The control device also includes a controller which is adapted to automatically activate the description file after the description file is received from the network device. Applicant's other independent claims 56, 66 and 67 recite similar subject matter. Such a construction is not taught or suggested by the Baker, et al. and the Kraslavsky, et al. patents.

The Examiner has argued that the Baker, et al. patent teaches the invention substantially as claimed, including a control device for controlling a network device connected to a network, comprising a communication interface adapted to receive a description file including description data for a control panel of the network device and a controller adapted to automatically activate the description file after the description file is received from the network device. The Examiner has acknowledged that the Baker, et al. patent does not teach the description file being received from the network device via the network. The Examiner, however, has cited the Kraslavsky, et al. patent as disclosing a network printer having a NEB which exports control information to a network administrator PC via a LAN. The Examiner then concludes that it would have been obvious to one of ordinary skill in the data processing art at the time of the invention to combine the teachings of Baker, et al. and Kraslavsky, et al. to receive the description file from the network device via the network as taught by the Kraslavsky, et al. patent because it would enhance the network device to be a responsive and intelligent member of the network.

Applicants respectfully disagree.

Particularly, the Baker, et al. patent discloses a memory 36 of a personal computer which stores various programs, including a multimedia device control program (MMDCP). Col. 3, lines 58-63. The MMDCP of the Baker, et al. patent performs functions and acquires the resources for the display, makes the desired control panels and places them on the screen. Col. 8, lines 13-26. The Baker, et al. patent also teaches that in response to receipt of a DEVICE ID message from an application, actions taken include checking the validity of the device ID, making a control instance by copying the control and then attaching the control

instance to the open device, determining device capabilities, querying the device status, and updating the control panels. Col. 8, lines 26-35.

In the Kraslavsky, et al. patent, a Network Expansion Board (NEB) is installed in the printer and a program in a network administrator's PC allows a system administrator to view all printer information (e.g. control information) which is exported from the printer by the NEB to the PC over a LAN. Col. 6, line 27 – Col. 7, line 3.

Thus, the Kraslavsky, et al. patent deals with the problem of operating a printer on a LAN and solves the problem by including in the printer a NEB. The Baker, et al. patent, on the other hand, deals with the problem of improving a multimedia system and solves the problem by providing a MMDCP. The Baker, et al. and the Kraslavsky, et al. patents thus deal with entirely different problems and provide entirely different solutions to these problems. Accordingly, a skilled artisan viewing the patents would not be motivated to modify one in light of the other.

The Examiner's combining of these patents thus appears to be motivated by the Examiner's desire to meet the terms of applicants' claims, as opposed to what the references would suggest to a skilled artisan. Such hindsight reconstruction of applicants' invention is improper and the Examiner's rejection based on the combination of the Baker, et al. and Kraslavsky, et al. patents should, therefore, be withdrawn.

Moreover, even if the references could be viewed together, they would still not result in applicants' claimed invention. Specifically, in the Baker, et al. patent, the MMDCP is stored in the main memory 36 of the computer and creates control panels for devices directly connected to the PC through a serial port or over the system bus. In the Kraslavsky, et al. patent, upon request of the network administrator's PC, printer information is exported by the


NEB to the network administrator's PC. However, neither patent alone, or if viewed together, teach or suggest a control device for controlling a network device connected to a network in which a communication interface is adapted to receive a description file from the network device via the network, the description file including description information for a control panel of the network device, and a controller is adapted to automatically activate the description file after the description file is received from the network device.

In view of the above, it is submitted that applicants' claims patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

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Respectfully submitted,

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